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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:	10/676,948	Group:	2183
Filed:	09/30/2003	Case No:	IS01406MCG
Entitled:	METHOD OF MIGRATING ACTIVE GENERAL SERVICE MANAGER FUNCTION		

DECLARATION OF V. LYNN WEBB UNDER 37 C.F.R. § 1.47


I, V. Lynn Webb, hereby state as follows:

1. I am an Administrative Assistant in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include obtaining the signatures of current Motorola employees, former Motorola employees and non-employees for the Declaration and Power of Attorney and for the Assignment documents with respect to patent applications filed on their behalf by Motorola as assignee of the inventions therein.
2. On March 29, 2004, I mailed to Richard A. Lagueux, via Certified Mail, Restricted Delivery to Addressee Only, a package containing documents for his review and documents for his signature, under certified mail label number 7003 1680 0004 2195 0314 at his last known address, 11 Pinewood Road, Hudson, NH 03051.
3. The package included copies of the Specification, Claims, Abstract, Drawings, for Richard A. Lagueux' review and a Declaration with Power of Attorney, and an Assignment and Agreement for Richard A. Lagueux' signature with respect to patent application serial no. 10/676,948, attorney docket no. IS01406MCG, filed September 30, 2003.

4. On April 1, 2004, April 6, 2004, and April 16, 2004, delivery of the package was attempted by the U.S. Post Office and ultimately marked REFUSED, RETURN TO SENDER.
5. The package was returned by the U.S. Post Office to Motorola on or about April 22, 2004.
6. Enclosed please find copies of the Cover Letter to Mr. Lagueux and a copy of the Certified Mail envelope noting the U.S. Post Office's attempts to deliver the package to Mr. Lagueux and the lack of signature on the return receipt still attached to the envelope.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,



V. LYNN WEBB
MOTOROLA, INC.
Senior Administrative Assistant
Law Department

DATE: April 29, 2004



MOTOROLA

VIA Certified Mail
Label No. 7003 1680 0004 2195 0314

March 29, 2004

Richard Lagueux
11 Pinewood Road
Hudson, New Hampshire 03051

RE: Patent Application Title: METHOD OF MIGRATING ACTIVE
GENERAL SERVICE MANAGER FUNCTION
Application Serial No. 10/676,948
Docket Number IS01406MCG

Dear Mr. Lagueux:

Attached for your signature are the formal papers for the above-identified patent application. These documents need to be filed with the United States Patent Office, so please return them to me as soon as possible. After reviewing the final patent application specification and claims and reviewing the formal drawings, please execute the formal papers.

Return the original documents in the enclosed prepaid Federal Express envelope
via **FEDERAL EXPRESS PRIORITY OVERNIGHT** to:

Kevin D. Wills
Motorola, Inc.
Law Department
3102 North 56th Street
Maildrop 56-238
Phoenix, AZ 85018
Phone: 602-952-4362

If you have any questions or concerns, please contact me at (602) 952-4364.

Very truly yours,

Kevin D. Wills



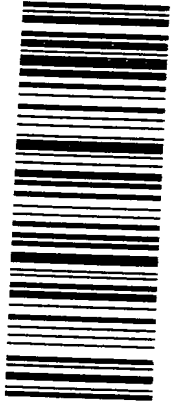
MOTOROLA

3102 North 56th Street
Mail Drop 56-238
Phoenix, Arizona 85018

Law Department

✓
4-1-04

RETURNED TO SENDER
1st Notice
2nd Notice
Return



7003 1680 0004 2195 0314

**RESTRICTED
DELIVERY**

RETURNED TO SENDER
REFUSED

Richard A. Lagueux
11 Pinewood Road
Hudson, NH 03051

CERTIFIED MAIL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Lagueux
11 Pinewood Road
Hudson, New Hampshire 03051

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

**RESTRICTED
DELIVERY**

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)
7003 1680 0004 2195 0314

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

U.S. POSTAGE
PAID
SCOTTSDALE, AZ
85257
MAR 29 '04
AMOUNT

\$10.22
00030057-07



03051



9264

4-1-04
ER03
NC

RETURNED TO SENDER
1st Notice
2nd Notice
Return

ASSIGNMENT AND AGREEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, we, **HAROLD N. ROSENSTOCK, BOXBOROUGH, MASSACHUSETTS; RICHARD DYKIEL, ACTON, MASSACHUSETTS; RICHARD LAGUEUX, HUDSON, NEW HAMPSHIRE; and NEHRU BHANDARU, SUDBURY, MASSACHUSETTS**, have sold, assigned and transferred, and do hereby sell, assign and transfer, unto MOTOROLA, INC., a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, and its successors, assigns, and legal representatives, the entire right, title and interest for the United States of America in and to certain inventions relating to improvements in **METHOD OF MIGRATING ACTIVE GENERAL SERVICE MANAGER FUNCTION** (Docket No. **IS01406MCG**), described, illustrated and claimed in an application for Letters Patent of the United States of America executed by us on the dates indicated by our signatures below, together with the entire right, title and interest in and to the application, and in and to Letters Patent which may be issued upon the application, and upon any division, extension, continuation or reissue thereof.

We hereby also sell, assign and transfer unto MOTOROLA, INC., the entire right, title and interest in and to the invention and in and to applications for Letters Patent therefor in all countries foreign to the United States of America, including all rights under any and all international conventions and treaties in respect of the invention and the applications for Letters Patent in foreign countries, and we further authorize MOTOROLA, INC. to apply for Letters Patent in foreign countries directly in its own name, and to claim priority of the filing date of the application for Letters Patent of the United States of America under the provisions of any and all international conventions and treaties.

We hereby authorize and request the Commissioner of Patents of the United States of America to issue Letters Patent upon the aforesaid application, division, extension, continuation or reissue, to MOTOROLA, INC., for the sole use and benefit of MOTOROLA, INC., its successors, assigns and legal representatives, to the full end of the term for which Letters Patent may be granted, the same as they would have been held and enjoyed by me had this assignment not been made, and we hereby authorize and request the equivalent authorities in foreign countries to issue the patents of their respective countries to MOTOROLA, INC.

We agree that, when requested, we will, without charge to MOTOROLA, INC., but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for the inventions in any and all countries and for vesting title thereto in MOTOROLA, INC., its successors, assigns and legal representatives or nominees.

We covenant with MOTOROLA, INC., its successors, assigns and legal representatives, that the interest and property hereby conveyed is free from all prior assignment, grant, mortgage, license or other encumbrance.

Harold N. Rosenstock
HAROLD N. ROSENSTOCK

DATE: 11/12/03

STATE OF MASSACHUSETTS)

COUNTY OF Middlesex)^{ss}

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Harold N. Rosenstock whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 12th day of November, 2003.

My commission expires:

June 5, 2009

Kathleen Buchianeri
Notary Public Signature

Kathleen Buchianeri
Printed Name of Notary Public

RICHARD DYKIEL

DATE: _____

STATE OF MASSACHUSETTS)
)ss
COUNTY OF)

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Richard Dykiel whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____,
2003.

My commission expires:

Notary Public Signature

Printed Name of Notary Public

RICHARD LAGUEUX

DATE: _____

STATE OF NEW HAMPSHIRE)
)ss
COUNTY OF)

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Richard Lagueux whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____,
2003.

My commission expires:

Notary Public Signature

Printed Name of Notary Public

Nehru Bhandaru
NEHRU BHANDARU

DATE: 11/12/03

STATE OF MASSACHUSETTS)
COUNTY OF MIDDLESEX)ss

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that Nehru Bhandaru whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 12th day of November, 2003.

My commission expires:

June 16, 2003

Melanie Loss Whapitum

Notary Public Signature

MELANIE LOSS WHAPITUM

Printed Name of Notary Public



PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

on April 29, 2004
(Date of Deposit)
MOTOROLA, INC.

Name of applicant, assignee, or Registered Rep.

U.S. Webb April 29, 2004
Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:		Group:	TBA
Filed:	09/30/2003	Case No:	IS01406MCG
Entitled:	METHOD OF MIGRATING ACTIVE GENERAL SERVICE MANAGER FUNCTION		

PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

Sir:

Applicants hereby petition the United States Patent & Trademark Office to make application on behalf of and agent for Richard Dykiel and Richard Lagueux on the grounds that Richard Dykiel and Richard Lagueux have refused to accept any application papers and have refused to sign the Declaration and Assignment.

Attached is a Declaration by Kevin D. Wills, who made a bona fide and diligent attempt to present a copy of the application papers (including specification, claims, drawings, Declaration and Assignment) to Richard Dykiel and Richard Lagueux for signature. Both Richard Dykiel and Richard Lagueux

refused delivery of said application papers and refused to sign said Declaration per instruction from their corporate counsel. The Declaration by Kevin D. Wills contains a copy of the express refusal by both Richard Dykiel and Richard Lagueux to accept delivery of the application papers and to sign the Declaration and Assignment as required by MPEP 409.03(d).

Also attached hereto are copies of an Assignment executed by other inventors of the invention assigning their interests in the invention to Motorola, Inc., ("Motorola") and a Declaration and Power of Attorney executed by other inventors authorizing Motorola to represent them in regard to the prosecution of this application before the United States Patent and Trademark Office.

In addition, also attached are a Declaration of V. Lynn Webb with regard to inventor Richard Dykiel and Declaration of V. Lynn Webb with regard to inventor Richard L. Lagueux attesting to the facts regarding mailing via Certified Mail, Restricted Delivery, the specification, claims, abstract and drawings along with Declaration and Assignment documents for signature and their subsequent return as refused or unclaimed

Therefore, applicants respectfully request that their Petition be granted and that they be authorized to make application for patent on behalf of and as agent for Richard Dykiel and Richard Lagueux.

Please charge Deposit Account 502117 for any required fees such as the miscellaneous petition fee under 37 CFR 1.17(h).

Respectfully submitted,

Harold N. Rosenstock et al.

Mail all correspondence to:

CUSTOMER NO. 23330

By:

Kevin D. Wills

Kevin D. Wills
Attorney for Applicant
Registration No. 43,993
Phone: 602-952-4364
Fax: 602-952-4376